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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,528	01/26/2004	Allen J. Budzichowski	03-I2824	1034
25189	7590	06/29/2007	EXAMINER	
CISLO & THOMAS, LLP			BESROUR, SAOUSSEN	
233 WILSHIRE BLVD				
SUITE 900			ART UNIT	PAPER NUMBER
SANTA MONICA, CA 90401-1211			2131	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/765,528	BUDZICHOWSKI, ALLEN J.
	Examiner Saoussen Besrour	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This action is in response to the communication filed 1/26/2004.
2. Claims 1-34 were received for consideration.
3. No preliminary amendments for the claims were filed. Currently claims 1-34 are under consideration.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 2002/0083008).**

As per **claim 1**, Smith et al. discloses: a database comprising user identification information including a verification from the Internal Revenue Service (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); an identification device configured to transmit said user identification information (0015); and a terminal configured to receive said identification information from said identification device, and to communicate with said database (0022, Lines 1-13); wherein said identification information from said identification device and said database are compared to verify the identity of the user (0022, Lines 13-20).

As per **claim 9**, Smith et al. discloses: providing a database comprising user identification information, wherein said identification information comprises a verification created by the Internal Revenue Service (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); issuing an identification device having said user identification information thereon (0015); and comparing said one or more user identification information on said identification device to said user identification information in said database to verify identification of the user (0022, Lines 1-20).

As per **claim 14**, Smith et al. discloses: a database comprising user identification information comprising a verification from a government entity and digital information of a user (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); an identification device encoded with one or more of said user identification attributes (0015); and a terminal configured to receive said one or more user identification attributes from said identification device, and to communicate with said database (0022, Lines 1-13); wherein said identification attributes from said identification device and said database are compared to verify the identity of the user (0022, Lines 13-20).

As per **claim 23**, Smith et al. discloses: creating a database comprising user identification attributes (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); providing an identification device configured to transmit user identification attributes (0015); and comparing said one or more said user identification attributes from said identification device to said user identification attributes in said database to verify identification of the user, wherein said user identification attributes

include a verification created by the Internal Revenue Service and a digital representation of the user (0022, Lines 1-20, 0015, Line 3 social security).

As per **claim 29**, Smith et al. discloses: receiving a verification of the identity of the user from the Internal Revenue Service (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); obtaining a digital representation of the user (0023, 0027); creating a database of user verification from the Internal Revenue user; encoding one or more of identification device (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); and identification Service and information, comprising said digital representation of the said user identification information onto an verifying the identity of the user by identification information on said comparing said one or more user identification device to said user identification information in said database (0015, 0022, Lines 1-20, 0015, Line 3 social security).

As per **claim 33**, Smith et al. discloses: receiving an identification verification of the user from the Internal Revenue Service (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); creating a database comprising user identification attributes, which comprises said identification verification from the Internal Revenue Service (0013-0014, 0015, Line 3 social security, 0016, Lines 8-10, 0021, Lines 3-9); encoding one or more of said user identification attributes onto an identification device (0015); and comparing said one or more user identification attributes on said identification device to said user identification attributes in said database to verify identification of the user (0022, Lines 1-20).

As per **claim 2**, rejected as applied to claim 1. Furthermore, Smith et al. discloses: wherein said information further comprises a pictorial representation of the user, name, date of birth, hair color, eye color, height, or weight of the user (0023).

As per **claims 3, 12, 17 and 34**, rejected as applied to claims 1, 9, 14, and 33. Furthermore, Smith et al. discloses: a digital representation of the user (0023, 0027).

As per **claims 4, 16,18 and 24**, rejected as applied to claims 3, 14, 17 and 23. Furthermore, Smith et al. discloses: digital picture, fingerprint or retinal scan (0027, Lines 7).

As per **claims 5, 19, 25 and 30**, rejected as applied to claims 1, 14, 23 and 29. Furthermore, Smith et al. discloses: wherein said identification device comprises magnetic material (0031 cryptocard).

As per **claims 6, 20 and 26**, rejected as applied to claims 1, 14 and 23. Furthermore, Smith et al. discloses: a microchip (0015, Lines 14).

As per **claims 7, 21, 27 and 31**, rejected as applied to claims 1, 14, 23 and 29. Furthermore, Smith et al. discloses: a point of sale terminal (0031, 0038) and a reading device configured to receive said user identification information from said identification device (0031, 0038).

As per **claims 8, 22, 28 and 32**, rejected as applied to claims 1, 14, 28 and 32. Furthermore, Smith et al. discloses: wherein said identification device is a bankcard, credit card or identification card (0015, 0014, 0031).

As per **claim 10**, rejected as applied to claim 9. Furthermore, Smith et al. discloses: filing an electronic tax return for the user or opening an account by a bank (0013).

As per **claim 11**, rejected as applied to claim 9. Furthermore, Smith et al. discloses: receiving a verification of the identity of the user from the Internal Revenue Service (Fig. 1 #15).

As per **claim 13**, rejected as applied to claim 9. Furthermore, Smith et al. discloses said comparing is accomplished at least in part by a terminal (Fig. 1 #15).

As per **claim 15**, rejected as applied to claim 14. Furthermore, Smith et al. discloses: said government entity is the Internal Revenue Service (0015, Lines 2 social security).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
June 21, 2007



SYED A. ZIA  
PRIMARY EXAMINER